

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

Cecile M Cole

AUG 28 2020

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

Your full name

FEDERAL CIVIL RIGHTS
COMPLAINT
(BIVENS ACTION)

v.

Warden Adams
(SFF Hazelton)
SIA Cooper
Counselor Ware K

Enter above the full name of defendant(s) in this action

Civil Action No.: 5:20cv187
(To be assigned by the Clerk of Court)

Captain Perez
Captain Fisher
Captain Squires

Bailey
Mazzone
Blalock

I. JURISDICTION

This is a civil action brought pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, **403 U.S. 388 (1971)**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: Cecile Cole Inmate No.: 70309019
Address: PO BOX 3000
Bruceton Mills, WV 266595

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: SIA Cooper
Position: SIA
Place of Employment: SFF HAZELTON
Address: PO BOX 450
Bruceton Mills, WV, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? Yes No

If your answer is "YES," briefly explain: Over all PREA investigations concerning staff/inmate relations, overall community security and safety

B.1 Name of Defendant: Warden Adams
Position: Complex Warden
Place of Employment: SFF HAZELTON
Address: PO Box 450
Bruceton Mills, WV, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? Yes No

If your answer is "YES," briefly explain: _____

B.2 Name of Defendant: Counselor Ware K
Position: Counselor
Place of Employment: SFF HAZELTON
Address: PO Box 450, Bruceton Mills, WV, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? Yes No

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If your answer is "YES," briefly explain: Counselor assigned to myself processes administrative remedy and provides all FBOP forms needed, and does ABC hearings

B.3 Name of Defendant: Captain Perez
Position: Captain
Place of Employment: SFF Hazelton
Address: PO Box 450
Bruceton Mills, WV, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? Yes No

If your answer is "YES," briefly explain: Captain, made
ASAP

B.4 Name of Defendant: Captain Fisher
Position: Captain
Place of Employment: SFF Hazelton
Address: PO Box 450
Bruceton Mills, WV, 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? Yes No

If your answer is "YES," briefly explain: Captain

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B.5 Name of Defendant: Captain Squires
 Position: Captain
 Place of Employment: SFF Hazelton
 Address: PO BOX 450, Princeton, WV 26535

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? Yes No

If your answer is "YES," briefly explain: Captain -
recently left employment with FDP
to become a government employee
with FBI

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: SFF Hazelton

A. Is this where the events concerning your complaint took place?
 Yes No

If you answered "NO," where did the events occur?

B. Is there a prisoner grievance procedure in the institution where the events occurred? Yes No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
 Yes No

D. If your answer is "NO," explain why not: Yes but have been
denied that right over 8x since December
due to inexperience but my counselor was
not working or processing as per FDP policy.
Recently went on a hunger strike but just increased
retaliation

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 unable to receive/have worked
LEVEL 2 unable to receive/have worked
LEVEL 3 unable to receive/have worked

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? Yes No

B. If your answer is “YES”, describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: “IV PREVIOUS LAWSUITS”

1. Parties to this previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court: _____
(If federal court, name the district; if state court, name the county)

3. Case Number: _____

4. Basic Claim Made/Issues Raised: _____

5. Name of Judge(s) to whom case was assigned: _____

6. Disposition: _____
(For example, was the case dismissed?Appealed? Pending?)

7. Approximate date of filing lawsuit: _____

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8. Approximate date of disposition. Attach Copies: _____

C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?

Yes No

D. If your answer is “YES,” briefly describe how relief was sought and the result. If your answer is “NO,” explain why administrative relief was not sought.

E. Did you exhaust available administrative remedies?

Yes No

F. If your answer is “YES,” briefly explain the steps taken and attach proof of exhaustion. If your answer is “NO,” briefly explain why administrative remedies were not exhausted.

G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label “G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS”

1. Parties to previous lawsuit:

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Plaintiff(s): _____

Defendant(s): _____

2. Name and location of court and case number:

3. Grounds for dismissal: frivolous malicious
 failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: _____

5. Approximate date of disposition: _____

V. STATEMENT OF CLAIM

*State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)*

CLAIM 1: denied FBOP right to administrative remedy and FBOP - Forms

Supporting Facts: forms a given to Counselor Ware

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by Counselor Solinka, Assemanger, Tarter, and CMC Smith - addressed with chain of command to date - no response 8 months to current

CLAIM 2: unable to maintain family, legal, community contact through mail - being returned to sender with no mail rejection notice delivered to myself or sender.

Supporting Facts: envelopes postage paid with notice I am not an inmate here; letters from family/friends stating a repeated mail items returned to sender, and why as well as looped with businesses & religious correspondance mail returned to sender.

CLAIM 3: Mental trauma and anguish from abuse of power, retaliation, and falsified official FBOP Reports and ~~letter~~ cc

Supporting Facts: Frivolous and malicious reporting with no actual offence but "feelings" of writer; personal mental health record and repeated suicide attempts; the death of inmate Mendez broad due to Medical Neglect resulting in Death.

CLAIM 4: Third Party PREA resulting in Inmate favoritism from BPC Spec Supervisor Harding, Josie E Kugler, and Negligence of FBOP & PREA reporting laws by SIA member in a cover up by filing false staff statements

Supporting Facts: text app between Kyger/Harding; Harding paid for NFPT Training Manual and

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acted as a facilitator to testing, video footage, inmate and staff supporting statements

CLAIM 5: Denied Access to legal mail, documents, and religious correspondence course plus, reading material (Jewish Bible) Kabbalah in entirety

Supporting Facts: repeated complaints; 8,9 administrative remedy, and Chuang Yen Monastery Course 2030 Route 304, Carmel, NY, 10512

VI. INJURY

Describe **BRIEFLY** and **SPECIFICALLY** how you have been injured and the exact nature of your damages.

mental health drastic decline multiple suicide attempts; Increased mental deficit and increased anxiety, PTSD; negatively effected my rehabilitation and my belief in FBOR, denied rights award by institutions

VII. RELIEF

State **BRIEFLY** and **EXACTLY** what you want the Court to do for you. *Make no legal arguments. Cite no cases or statutes.*

Hold SFF Hazelton accountable provide an injunction guaranteeing the prevention of recurrence, and inmates civil rights are honored and SFF Hazelton responsibilities met and monetary award - I cannot even suggest or recommend. My rights are not for sale but my counseling is going to be a lifetime - So if they will provide that Thank You and a contribution to non profit HumanKindness Po Box 61619 Durham, NC, 27715

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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at SFF Hazleton on Aug 3 2020.
(Location) (Date)

Gale McCall
Your Signature

Attachment E

IN THE UNITED STATES DISTRICT COURT
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Cecile M Cole

Your full name

v.

SFF Hazelton
Warden Adams
SIA Cooper
Counselor Ware K

Enter above the full name of defendant(s) in this action

Civil Action No.: _____

Captain Perez
Captain Asher
Captain Squires

Certificate of Service

I, Cecile M Cole

(your name here), appearing *pro se*, hereby certify

that I have served the foregoing Federal Civil Rights Complaint (title of document being sent) upon the defendant(s) by depositing true copies of the same in the United States mail, postage prepaid, upon the following counsel of record for the

defendant(s) on 8/4/2020

(insert date here): through R&D

mailed stamped addressed envelopes
requesting copies made and mailed at my expense
by Northern District Clerk of Court I we in solation/shu and due to
servid legal copies are not made per memo to staff per ms wave cc

Cecile M Cole

(sign your name)

Thank You for Your Help to
Enforce my Rights!